

as amended, set out as a note under section 2251 of Title 50, Appendix, War and National Defense.

§ 2473. Functions of Administration

[See main edition for text of (a)]

- (b) Research, development, etc., in ground propulsion technologies and solar heating and cooling technologies

(1) The Administration shall, to the extent of appropriated funds, initiate, support, and carry out such research, development, demonstration, and other related activities in ground propulsion technologies as are provided for in sections 2503 through 2509 of title 15.

(2) The Administration shall initiate, support, and carry out such research, development, demonstrations, and other related activities in solar heating and cooling technologies (to the extent that funds are appropriated therefor) as are provided for in sections 5503, 5504, and 5507 of this title.

- (c) Powers of Administration in performance of its functions

In the performance of its functions the Administration is authorized—

[See main edition for text of (1) to (12)]

(13)(A) to consider, ascertain, adjust, determine, settle, and pay, on behalf of the United States, in full satisfaction thereof, any claim for \$25,000 or less against the United States for bodily injury, death, or damage to or loss of real or personal property resulting from the conduct of the Administration's functions as specified in subsection (a) of this section, where such claim is presented to the Administration in writing within two years after the accident or incident out of which the claim arises; and

(B) if the Administration considers that a claim in excess of \$25,000 is meritorious and would otherwise be covered by this paragraph, to report the facts and circumstances thereof to the Congress for its consideration.

(As amended Pub. L. 95-401, § 6, Sept. 30, 1978, 92 Stat. 860; Pub. L. 96-48, § 6(a), Aug. 8, 1979, 93 Stat. 348.)

AMENDMENTS

1979—Subsec. (c)(13). Pub. L. 96-48 substituted “\$25,000” for “\$5,000”.

1978—Subsec. (b). Pub. L. 95-401 designated existing provisions as par. (1) and redesignated provisions set out in text as the second subsec. (c), relating to research, development, etc., in solar heating and cooling technologies, as par. (2).

Subsec. (c). Pub. L. 95-401 redesignated subsec. (c), relating to research, development, etc., in solar heating and cooling technologies, as subsec. (b)(2).

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-48 effective Oct. 1, 1979, see section 6(c) of Pub. L. 96-48, set out as an Effective Date note under section 2458b of this title.

OFFICE OF INSPECTOR GENERAL

All the functions, powers, and duties of the Management Audit Office and Office of Inspections and Security in the National Aeronautics and Space Administration were transferred to the Office of Inspector

General in the National Aeronautics and Space Administration by section 9(a)(1)(J) of the Inspector General Act of 1978, Pub. L. 95-452, set out in the Appendix to Title 5, Government Organization and Employees, section 2 of which established such Office of Inspector General.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2453, 2458b, 2471 of this title; title 31 section 724a.

§ 2473a. Repealed. Pub. L. 96-470, title I, § 118(h), Oct. 19, 1980, 94 Stat. 2241

Section, Pub. L. 87-367, title II, § 206(b), Oct. 4, 1961, 75 Stat. 791, required the Administrator of the National Aeronautics and Space Administration to submit to Congress, not later than 45 days after the close of each fiscal year, a report which sets forth, as of the close of such fiscal year, the number of positions established, the name, compensation, and qualification of each incumbent, position or positions held in or outside the Federal Government by each incumbent during the 5 years immediately preceding the date of appointment, and such other information as required by Congress and authorized the Administrator to omit any information deemed detrimental to the national security, to inform Congress of such omission, and to supply all information concerning such matter at the request of any Congressional committee.

SUBCHAPTER III—UPPER ATMOSPHERE RESEARCH

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 7454 of this title.

CHAPTER 27—LOAN SERVICE OF CAPTIONED FILMS AND EDUCATIONAL MEDIA FOR HANDICAPPED

§ 2495. National Advisory Committee on Education of the Deaf

TRANSFER OF FUNCTIONS

For transfer of functions and offices (relating to education) of the Secretary and Department of Health, Education, and Welfare to the Secretary and Department of Education, and termination of certain offices and positions, see sections 3441 and 3503 of Title 20, Education.

CHAPTER 33—COMMUNITY MENTAL HEALTH CENTERS

SUBCHAPTER III—COMMUNITY MENTAL HEALTH CENTERS

CROSS REFERENCES

The Mental Health Systems Act, see section 9401 et seq. of this title.

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 217a-1, 225a, 229b, 289k-1, 300a-7, 300l-2, 300m, 300m-3, 1320a-1, 3195, 3509, 9422, 9431, 9435, 9452 of this title; title 40 App. section 202.

PART A—PLANNING AND OPERATIONS ASSISTANCE

§ 2689. General requirements for centers

[See main edition for text of (a)]

(b) Comprehensive mental health services; provision and coordination of activities

(1) The comprehensive mental health services which shall be provided through a community mental health center are as follows:

(A) Beginning on the date the community mental health center is established for purposes of this subchapter, the services provided through the center shall include—

(i) inpatient services, emergency services, and outpatient services;

(ii) assistance to courts and other public agencies in screening residents of the center's catchment area who are being considered for referral to a State mental health facility for inpatient treatment to determine if they should be so referred and provision, where appropriate, of treatment for such persons through the center as an alternative to inpatient treatment at such a facility;

(iii) provision of followup care for residents of its catchment area who have been discharged from inpatient treatment at a mental health facility;

(iv) consultation and education services which—

(I) are for a wide range of individuals and entities involved with mental health services, including health professionals, schools, courts, State and local law enforcement and correctional agencies, members of the clergy, public welfare agencies, health services delivery agencies, and other appropriate entities; and

(II) include a wide range of activities (other than the provision of direct clinical services) designed to develop effective mental health programs in the center's catchment area, promote the coordination of the provision of mental health services among various entities serving the center's catchment area, increase the awareness of the residents of the center's catchment area of the nature of mental health problems and the types of mental health services available, and promote the prevention and control of rape and the proper treatment of the victims of rape; and

(v) the services described in subparagraph (B) or, in lieu of such services, providing a plan approved by the Secretary under which the center will, during the three-year period beginning on such establishment date, assume in increments the provision of the services described in subparagraph (B) and will upon the expiration of such three-year period provide all the services described in subparagraph (B).

(B) After the expiration of such three-year period, a community mental health center shall provide, in addition to the services required by subparagraph (A), services which include—

(i) day care and other partial hospitalization services;

(ii) a program of specialized services for the mental health of children, including a full range of diagnostic, treatment, liaison,

and followup services (as prescribed by the Secretary);

(iii) a program of specialized services for the mental health of the elderly, including a full range of diagnostic, treatment, liaison, and followup services (as prescribed by the Secretary);

(iv) a program of transitional half-way house services for mentally ill individuals who are residents of its catchment area and who have been discharged from inpatient treatment in a mental health facility or would without such services require inpatient treatment in such a facility; and

(v) provision of each of the following service programs (other than a service program for which there is not sufficient need (as determined by the Secretary) in the center's catchment area, or the need for which in the center's catchment area the Secretary determines is currently being met):

(I) A program for the prevention and treatment of alcoholism and alcohol abuse and for the rehabilitation of alcohol abusers and alcoholics.

(II) A program for the prevention and treatment of drug addiction and abuse and for the rehabilitation of drug addicts, drug abusers, and other persons with drug dependency problems.

(2) The provision of comprehensive mental health services through a center shall be coordinated with the provision of services by other health and social service agencies (including State mental health facilities) in or serving residents of the center's catchment area to insure that persons receiving services through the center have access to all such health and social services as they may require. The center's services (A) may be provided at the center or satellite centers through the staff of the center or through appropriate arrangements with health professionals and others in the center's catchment area, or, with the approval of the Secretary, in the case of inpatient services, emergency services, and transitional half-way house services, through appropriate arrangements with health professionals and others serving the residents of the catchment area, (B) shall be available and accessible to the residents of the area promptly, as appropriate, and in a manner which preserves human dignity and assures continuity and high quality care and which overcomes geographic, cultural, linguistic, and economic barriers to the receipt of services, and (C) when medically necessary, shall be available and accessible twenty-four hours a day and seven days a week.

(c) Governing body; membership requirements; definition

(1)(A) Except as provided in subparagraph (B), the governing board of a community mental health center shall (i) be composed, where practicable, of individuals who reside in the center's catchment area and who, as a group, represent the residents of that area taking into consideration their employment, age, sex, and place of residence, and other demographic characteristics of the area, and (ii)

meet at least once a month, establish general policies for the center (including a schedule of hours during which services will be provided), approve the center's annual budget, and approve the selection of a director for the center. At least one-half of the members of such body shall be individuals who are not providers of health care.

(B) In the case of a community mental health center which is operated by a governmental agency or a hospital, such center may, in lieu of meeting the requirements of subparagraph (A), appoint a committee which advises it with respect to the operations of the center and which is composed of individuals who reside in the center's catchment area, who are representative of the residents of the area as to employment, age, sex, place of residence, and other demographic characteristics, and at least one-half of whom are not providers of health care.

[See main edition for text of (2); (d)]

(As amended Pub. L. 95-622, title I, § 104(a)(1), (b), (c)(1), Nov. 9, 1978, 92 Stat. 3414, 3415.)

AMENDMENTS

1978—Subsec. (b)(1). Pub. L. 95-622, § 104(a)(1), among other changes, added provisions which divided the required comprehensive mental health services into services which shall be provided beginning on the date the community mental health center is established for purposes of this subchapter and services which shall be provided after the expiration of a three-year period.

Subsec. (b)(2). Pub. L. 95-622, § 104(b), inserted ", or, with the approval of the Secretary, in the case of inpatient services, emergency services, and transitional half-way house services, through appropriate arrangements with health professionals and others serving the residents of the catchment area" following "in the center's catchment area".

Subsec. (c)(1)(A). Pub. L. 95-622, § 104(c)(1)(A), substituted "Except as provided in subparagraph (B), the governing board of a community mental health center" for "The governing board of a community mental health center (other than a center described in subparagraph (B))".

Subsec. (c)(1)(B). Pub. L. 95-622, § 104(c)(1)(B), substituted "which is operated by a governmental agency or hospital, such center may, in lieu of meeting the requirements of subparagraph (A)," for "which before July 29, 1975, was operated by a governmental agency and received a grant under section 2688 of this title (as in effect before such date), the requirements of subparagraph (A) shall not apply with respect to such center, but the governmental agency operating the center shall".

EFFECTIVE DATE OF 1978 AMENDMENT

Section 111 of Pub. L. 95-622, as amended Pub. L. 96-32, § 8(a)(3), July 10, 1979, 93 Stat. 85, provided that: "The amendments made by this title (other than by sections 103, 110(b)(1), and 110(c)) to the Community Mental Health Centers Act [amending sections 2689 to 2689h, 2689q, and 2689u of this title and enacting provisions set out as notes under this section] shall apply with respect to grants made under the Community Mental Health Centers Act from appropriations for fiscal years ending after September 30, 1978."

SHORT TITLE OF 1978 AMENDMENT

Section 101(a) of title I of Pub. L. 95-622 provided that: "This title [amending sections 246, 2689 to 2689h, 2689m, 2689q, 2689u, and 4588 of this title, and enacting provisions set out as notes under sections 2689 and 2689m of this title] may be cited as the 'Com-

munity Mental Health Centers Extension Act of 1978'."

REPORTS BY SECRETARY TO CONGRESSIONAL COMMITTEES ON PLAN FOR EXTENSION OF COMPREHENSIVE MENTAL HEALTH SERVICES AND STUDY OF NATIONAL STANDARDS OF CARE AND CRITERIA FOR EVALUATION OF CENTERS

Section 304 of Pub. L. 94-63, which provided that the Secretary of Health, Education, and Welfare submit, not later than one year after July 29, 1975, a report to specified Congressional committees setting forth a five year plan for the extension of comprehensive mental health services through community mental health centers in areas of demonstrated need, and to further submit, not later than eighteen months after July 29, 1975, a report setting forth the national standards for care provided by community mental health centers and criteria for evaluation of mental health centers and the quality of their services, was omitted from the Code as executed.

§ 2689a. Grants for planning center programs

[See main edition for text of (a) to (c)]

(d) Authorization of appropriations

There are authorized to be appropriated for payments under grants under subsection (a) of this section \$3,750,000 for the fiscal year 1976, \$3,750,000 for the fiscal year ending September 30, 1977, \$1,930,000 for the fiscal year ending on September 30, 1978, \$1,500,000 for the fiscal year ending September 30, 1979, and \$1,000,000 each for the fiscal year ending September 30, 1980, and the next fiscal year.

(As amended Pub. L. 95-83, title III, § 308(a), Aug. 1, 1977, 91 Stat. 395; Pub. L. 95-622, title I, § 102(a), Nov. 9, 1978, 92 Stat. 3412; Pub. L. 96-398, title VII, § 701(a), Oct. 7, 1980, 94 Stat. 1605.)

AMENDMENTS

1980—Subsec. (d). Pub. L. 96-398 added provisions authorizing appropriation for the next fiscal year after the fiscal year ending Sept. 30, 1980.

1978—Subsec. (d). Pub. L. 95-622 added provisions authorizing appropriations of \$1,500,000 for the fiscal year ending Sept. 30, 1979, and \$1,000,000 for the fiscal year ending Sept. 30, 1980.

1977—Subsec. (d). Pub. L. 95-83 substituted provision for an appropriation authorization for fiscal year ending Sept. 30, 1977, for prior such authorization for fiscal year 1977, and authorized appropriation of \$1,930,000 for fiscal year ending on Sept. 30, 1978.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-622 applicable with respect to grants made under this subchapter from appropriations for fiscal years ending after Sept. 30, 1978, see section 111 of Pub. L. 95-622, set out as an Effective Date of 1978 Amendment note under section 2689 of this title.

§ 2689h. Grants for initial operation of centers and related public or nonprofit private entity

[See main edition for text of (a)]

(b) Duration and number of grants

(1) Each grant under subsection (a) of this section to a community mental health center or other entity shall be made for the costs of its operation for the one-year period beginning on the first day of the month in which such grant

is made, except that if at the end of such period a center or entity has not obligated all the funds received by it under a grant, the center or entity may use the unobligated funds under the grant in the succeeding year for the same purposes for which such grant was made but only if the center or entity is eligible to receive a grant under subsection (a) of this section for such succeeding year.

[See main edition for text of (2)]

(c) Computation of amount of grants

The amount of a grant for any year made under subsection (a) of this section shall be the lesser of the amounts computed under paragraph (1) or (2) as follows:

[See main edition for text of (1) and (2)]

In any year in which a grantee receives a grant under section 2689c of this title for consultation and education services, the costs of the grantee's operation for that year attributable to the provision of such services and its collections in that year for such services shall be disregarded in making a computation under paragraph (1) or (2) respecting a grant under subsection (a) of this section for that year. The amount of a grant prescribed by paragraph (1) or (2) for a community mental health center for any year shall be reduced by the amount of unobligated funds from the preceding year which the center is authorized, under subsection (b)(1) of this section, to use in that year. If in a fiscal year the sum of (i) the total of State, local, and other funds, and of the fees, premiums, and third-party reimbursements collected in that year, and (ii) the amount of the grant received under this section, by a center or entity exceeds its costs of operation for that year because such total collected was greater than expected, and if the center or entity is eligible to receive a grant under subsection (a) of this section in the succeeding year, an adjustment in the amount of that grant shall be made in such a manner that the center or entity may retain such an amount (not to exceed 5 per centum of the amount by which such sum exceeded such costs) as the center or entity can demonstrate to the satisfaction of the Secretary will be used to enable the center or entity (I) to expand and improve its services, (II) to increase the number of persons (eligible to receive services from such a center or entity) it is able to serve, (III) to modernize its facilities, (IV) to improve the administration of its service programs, and (V) to establish a financial reserve for the purpose of offsetting the decrease in the percentage of Federal participation in program operations in future years.

(d) Authorization of appropriations

(1) There are authorized to be appropriated for payments under initial grants under subsection (a) of this section \$50,000,000 for fiscal year 1976, \$55,000,000 for the fiscal year ending September 30, 1977, \$38,890,000 for the fiscal year ending September 30, 1978, \$34,500,000 for the fiscal year ending September 30, 1979, \$35,000,000 for the fiscal year ending September 30, 1980, and \$37,000,000 for the fiscal year ending September 30, 1981.

(2) For fiscal year 1980, and for each of the succeeding seven fiscal years, there are authorized to be appropriated such sums as may be necessary to make payments under continuation grants under subsection (a) of this section to community mental health centers and other entities which first received an initial grant under this section for fiscal year 1976, or the next four fiscal years and which are eligible for a grant under this section in a fiscal year for which sums are authorized to be appropriated under this paragraph.

(e) Continuation of grants for prior grant recipients; determination of duration, amount, number, etc., of continuation grants; authorization of appropriations

(1) Any entity which has not received a grant under subsection (a) of this section, which received a grant under section 2688, 2688g, 2688h, 2688k, 2688n-1, 2688r, or 2688u of this title (as in effect before July 29, 1975) from appropriations under this subchapter for a fiscal year ending before July 1, 1975, and which would be eligible for another grant under such section from an appropriation for a succeeding fiscal year if such section were not repealed by the Community Mental Health Centers Amendments of 1975 may, in lieu of receiving a grant under subsection (a) of this section, continue to receive a grant under each such repealed section under which it would be so eligible for another grant—

(A) for the number of years and in the amount prescribed for the grant under each such repealed section, except that—

(i) the entity may not receive under this subsection more than three grants under any such repealed section (other than section 2688u of this title) unless it provides at least the comprehensive mental health services described in clauses (i) through (iv) of section 2689(b)(1)(A) of this title,

(ii) the amount prescribed for a grant under the applicable repealed section for an entity for any year shall be reduced by the amount of unobligated funds from the preceding fiscal year which the entity is authorized, under subparagraph (B) of this paragraph, to use in that year, and

(iii) the total amount received for any year (as determined under regulations of the Secretary) under the total of the grants made to the entity under this subsection may not exceed the amount by which the entity's projected costs of operation for that year exceed the total collections of State, local, and other funds and of the fees, premiums, and third-party reimbursements which the entity may reasonably be expected to make in that year; and

(B) in accordance with any other terms and conditions applicable to such grant, except that if at the end of any period for which such a grant is made an entity has not obligated all of the funds received by it under the grant, the entity may use the unobligated funds under such grant in the succeeding grant period for the same purposes for which such grant was made but only if the entity is

eligible to receive such a grant for such grant period.

In any year in which a grantee under this subsection receives a grant under section 2689c of this title for consultation and education services, the staffing costs of the grantee for that year which are attributable to the provision of such services and the grantee's collections in that year for such services shall be disregarded in applying subparagraph (A) and the provisions of the repealed section applicable to determining the amount of the grant the grantee may receive under this subsection for that year. If in a fiscal year the sum of (I) the total of State, local, and other funds, and of the fees, premiums, and third-party reimbursements collected in that year, and (II) the amount of the grant received under the applicable repealed section, by an entity exceeds its costs of operation for that year because such total collected was greater than expected, and if the entity is eligible to receive a grant under such an applicable repealed section in the succeeding year, an adjustment in the amount of that grant shall be made in such a manner that the entity may retain such an amount (not to exceed 5 per centum of the amount by which such sum exceeded such costs) as the entity can demonstrate to the satisfaction of the Secretary will be used to enable the entity (I) to expand and improve its services, (II) to increase the number of persons (eligible to receive services from such an entity) it is able to serve, (III) to modernize its facilities, (IV) to improve the administration of its service programs, and (V) to establish a financial reserve for the purpose of offsetting the decrease in the percentage of Federal participation in program operations in future years.

[See main edition for text of (2) and (3); (J)]

(As amended Pub. L. 95-83, title III, § 308(b), Aug. 1, 1977, 91 Stat. 396; Pub. L. 95-622, title I, §§ 102(b), 103(a), (b), formerly § 103, § 110(b)(1), formerly § 110(b), Nov. 9, 1978, 92 Stat. 3412, 3413, 3420, renumbered Pub. L. 96-32, § 8(a)(1), (2), July 10, 1979, 93 Stat. 85, and amended Pub. L. 96-398, title VII, § 701(b)(1), Oct. 7, 1980, 94 Stat. 1605.)

AMENDMENT OF SUBSEC. (d)

Pub. L. 96-398, title VII, § 701(b)(2), Oct. 7, 1980, 94 Stat. 1605, provided that, effective Oct. 1, 1981, subsec. (d) of this section is amended by substituting "There are authorized" for "(1) There are authorized" and striking out par. (2)

AMENDMENTS

1980—Subsec. (d)(1). Pub. L. 96-398 added provisions authorizing appropriation for the fiscal year ending Sept. 30, 1981.

1978—Subsec. (b)(1). Pub. L. 95-622, § 103(a)(1), inserted "except that if at the end of such period a center or entity has not obligated all the funds received by it under a grant, the center or entity may use the unobligated funds under the grant in the succeeding year for the same purposes for which such grant was made but only if the center or entity is eligible to receive a grant under subsection (a) of this section for such succeeding year" following "such grant is made".

Subsec. (c). Pub. L. 95-622, § 103(a)(2), in material following par. (2) added provisions relating to the retention of unobligated funds by a center or entity to expand and improve services, increase the number of persons it is able to serve, modernize facilities, improve administration, and establish a financial reserve.

Subsec. (d)(1). Pub. L. 95-622, § 102(b)(1), added provisions authorizing appropriations of \$34,500,000 for the fiscal year ending Sept. 30, 1979, and \$35,000,000 for the fiscal year ending Sept. 30, 1980.

Subsec. (d)(2). Pub. L. 95-622, § 102(b)(2), substituted "1980" for "1978" and "four fiscal years" for "two fiscal years".

Subsec. (e)(1). Pub. L. 95-622, §§ 103(b), 110(b), substituted in subpar. (A)(i) "(other than section 2688u of this title) unless it provides at least the comprehensive mental health services described in clauses (i) through (iv) of section 2689(b)(1)(A) of this title" for "unless it meets the requirements of 2689 of this title", redesignated former subpar. (A)(ii) as (A)(iii), added subpar. (A)(ii), inserted in subpar. (B) "except that if at the end of any period for which a grant is made an entity has not obligated all of the funds received by it under the grant, the entity may use the unobligated funds under such grant in the succeeding grant period for the same purposes for which such grant was made but only if the entity is eligible to receive such a grant for such grant period" following "to such grant", and added material following subpar. (B) provisions relating to the retention of unobligated funds by an entity to expand and improve services, increase the number of persons it is able to serve, modernize facilities, improve administration, and establish a financial reserve.

1977—Subsec. (d)(1). Pub. L. 95-83, § 308(b)(1), substituted provision for an appropriation authorization for fiscal year ending Sept. 30, 1977, for prior such authorization for fiscal year 1977, and authorized appropriation of \$38,890,000 for fiscal year ending Sept. 30, 1978.

Subsec. (d)(2). Pub. L. 95-83, § 308(b)(2), substituted "1978" for "1977" and "or the next two fiscal years" for "or the next fiscal year".

Subsec. (e)(1)(A)(i). Pub. L. 95-83, § 308(h), increased to three from two the number of grants authorized to be received under any repealed section.

EFFECTIVE DATE OF 1978 AMENDMENT

Section 103(c) of Pub. L. 95-622, as added Pub. L. 96-32, § 8(a)(1), July 10, 1979, 93 Stat. 85, provided that: "The amendments made by this section [amending subsecs. (b)(1), (c), and (e)(1) of this section] shall take effect with respect to grants made under section 203 of the Community Mental Health Centers Act [this section] from appropriations made for fiscal years ending after September 30, 1977."

Section 110(b)(2) of Pub. L. 95-622, as added Pub. L. 96-32, § 8(a)(2), July 10, 1979, 93 Stat. 85, provided that: "The amendments made by paragraph (1) [amending subsec. (e)(1)(A)(i) of this section] shall take effect with respect to grants made under section 203(e) of the Community Health Centers Act [subsec. (e) of this section] from appropriations made for fiscal years ending after September 30, 1977."

Amendment by Pub. L. 95-622 applicable with respect to grants made under this subchapter from appropriations for fiscal years ending after Sept. 30, 1978, see section 111 of Pub. L. 95-622, set out as an Effective Date of 1978 Amendment note under section 2689 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2689c, 2689d, 2689e, 2689f, 2689g, 9431, 9435 of this title.

§ 2689c. Annual grants for consultation and education services of centers and related public or non-profit private entity

(a) Prerequisites

(1) The Secretary may make annual grants to any community mental health center for the costs of providing the consultation and education services described in section 2689(b)(1)(A)(iv) of this title if the center—

[See main edition for text of (A)]

(B) has received or is receiving a grant under section 2689b of this title and the number of years in which the center has been in operation (as determined in accordance with section 2689b(a)(2) of this title) is not less than four (or is not less than two if the Secretary determines that the center will be unable to adequately provide the consultation and education services described in section 2689(b)(1)(A)(iv) of this title during the third or fourth years of its operation without a grant under this subsection).

(2) The Secretary may also make annual grants to a public or non-profit private entity—

(A) which has not received any grant under this subchapter (other than a grant under this section as amended by the Community Mental Health Centers Amendments of 1975),

(B) which meets the requirements of section 2689 of this title except, in the case of an entity which has not received a grant under this section, the requirement for the provision of consultation and education services described in section 2689(b)(1)(A)(iv) of this title, and

(C) the catchment area of which is not within (in whole or in part) the catchment area of a community mental health center,

for the costs of providing such consultation and education services.

[See main edition for text of (b)]

(c) Authorization of appropriations

There are authorized to be appropriated for payments under grants under this section \$10,000,000 for fiscal year 1976, \$15,000,000 for the fiscal year ending September 30, 1977, \$15,000,000 for the fiscal year ending September 30, 1978, \$20,000,000 for the fiscal year ending September 30, 1979, \$3,000,000 for the fiscal year ending September 30, 1980, and \$15,000,000 for the fiscal year ending September 30, 1981.

(As amended Pub. L. 95-83, title III, § 308(c), Aug. 1, 1977, 91 Stat. 396; Pub. L. 95-622, title I, §§ 102(c), 104(a)(2), Nov. 9, 1978, 92 Stat. 3412, 3415; Pub. L. 96-398, title VII, § 701(c), Oct. 7, 1980, 94 Stat. 1605.)

AMENDMENTS

1980—Subsec. (c). Pub. L. 96-398 added provisions authorizing appropriations for the fiscal year ending Sept. 30, 1981.

1978—Subsec. (a). Pub. L. 95-622, § 104(a)(2), substituted "section 2689(b)(1)(A)(iv)" for "section 2689(b)(1)(D)" wherever appearing.

Subsec. (c). Pub. L. 95-622, § 102(c), added provisions authorizing appropriations of \$20,000,000 for the fiscal

year ending Sept. 30, 1979, and \$3,000,000 for the fiscal year ending Sept. 30, 1980.

1977—Subsec. (c). Pub. L. 95-83 substituted provision for an appropriation authorization for fiscal year ending Sept. 30, 1977, for prior such authorization for fiscal year 1977, and authorized appropriation of \$15,000,000 for fiscal year ending Sept. 30, 1978.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-622 applicable with respect to grants made under this subchapter from appropriations for fiscal years ending after Sept. 30, 1978, see section 111 of Pub. L. 95-622, set out as an Effective Date of 1978 Amendment note under section 2689 of this title.

§ 2689d. Conversion grants for related public or non-profit entity

[See main edition for text of (a) and (b)]

(c) Authorization of appropriations

There are authorized to be appropriated for payments under grants under subsection (a) of this section \$20,000,000 for fiscal year ending September 30, 1977, \$23,000,000 for the fiscal year ending September 30, 1978, \$30,000,000 for the fiscal year ending September 30, 1979, and \$25,000,000 for the fiscal year ending September 30, 1980.

(As amended Pub. L. 95-83, title III, § 308(d), Aug. 1, 1977, 91 Stat. 396; Pub. L. 95-622, title I, § 102(d), Nov. 9, 1978, 92 Stat. 3412.)

AMENDMENTS

1978—Subsec. (c). Pub. L. 95-622 added provisions authorizing appropriations of \$30,000,000 for the fiscal year ending Sept. 30, 1979, and \$25,000,000 for the fiscal year ending Sept. 30, 1980.

1977—Subsec. (c). Pub. L. 95-83 substituted provision for an appropriation authorization for fiscal year ending Sept. 30, 1977, for prior such authorization for fiscal year 1977, and authorized appropriation of \$23,000,000 for fiscal year ending Sept. 30, 1978.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-622 applicable with respect to grants made under this subchapter from appropriations for fiscal years ending after Sept. 30, 1978, see section 111 of Pub. L. 95-622, set out as an Effective Date of 1978 Amendment note under section 2689 of this title.

§ 2689e. General requirements for grants

[See main edition for text of (a) and (b)]

(c) Form, manner, contents, and required assurances of application; prerequisites for approval of application; evaluation and review program of activities; promulgation of regulations determining required costs; determination and review of adequacy of applicant's methods to obtain payments and reimbursements

[See main edition for text of (1)]

(2) The Secretary may approve an application for a grant under section 2689b, 2689c, or 2689d of this title only if the application meets the requirements of paragraph (1) and, except as provided in paragraph (3)—

(A) the Secretary determines that the facilities and equipment of the applicant under the

application meet such requirements as the Secretary may prescribe;

(B) the Secretary determines that—

[See main edition for text of (i) and (ii)]

(iii) in the case of an applicant which received a grant from appropriations for the preceding fiscal year, during the year for which the grant was made the applicant met, in accordance with the section under which such grant was made, the requirements of section 2689 of this title and complied with the assurances which were contained in or supported the applicant's application for such grant; and

(iv) in the case of an application for a grant the amount of which is or may be determined under section 2689b(c)(2)(B) of this title or 2689c(b)(3)(B) of this title or under a provision of a repealed section of this subchapter referred to in section 2689b(e) of this title which authorizes an increase in the ceiling on the amount of a grant to support services to persons in areas designated by the Secretary as urban or rural poverty areas, the application contains or is supported by assurances satisfactory to the Secretary that the services of the applicant will, to the extent feasible, be used by a significant number of persons residing in an area designated by the Secretary as an urban or rural poverty area and requiring such services;

(C) in the case of an application for the first grant under section 2689b, 2689c, or 2689d of this title, or an application for a grant under such section which requests a grant in an amount greater than the amount specified by the applicant in its plan and budget submitted in accordance with paragraph (1)(A)(i), the application is recommended for approval by the National Advisory Mental Health Council; and

(D) in the case of an application of a community mental health center which does not meet the governing board requirements of section 2689(c)(1)(A) of this title, the committee appointed pursuant to section 2689(c)(1)(B) of this title has approved the application or, if such committee has not approved the application, the Secretary determines that the committee's failure to approve the application was unreasonable.

[See main edition for text of (3) to (6)]

(d) Review of and comments on application by State mental health authority; disposition of application; time limitations

An application for a grant under this part which is submitted to the Secretary shall at the same time be submitted to the State mental health authority for the State in which the project or community mental health center for which the application is submitted is located. A State mental health authority which receives such an application under this subsection may review it and submit its comments to the Secretary within the forty-five-day period beginning on the date the application was received by it. The Secretary shall take action to require an

applicant to revise his application or to approve or disapprove an application within the period beginning on the date the State mental health authority submits its comments or on the expiration of such forty-five-day period, whichever occurs first, and ending on the one hundred and twentieth day following the date the application was submitted to him.

(e) Maximum amount of appropriations usable for technical assistance and training, grants, and contracts

(1) No more than 2 per centum of the total amount appropriated under sections 2689b, 2689c, and 2689d of this title for any fiscal year shall be used by the Secretary to provide directly through the Department technical assistance for program management and for training in program management to community mental health centers which received grants under such sections or to entities which received grants under section 2688 of this title in a fiscal year beginning before July 29, 1975.

(2)(A) Except as provided in subparagraph (B), not more than 5 per centum of the total amount appropriated under sections 2689b, 2689c, and 2689d of this title for any fiscal year shall be used by the Secretary to provide grants under those sections to community mental health centers which do not meet the governing board requirements of section 2689(c)(1)(A) of this title.

(B) Subparagraph (A) shall not apply, during the fiscal years ending September 30, 1979, September 30, 1980, and September 30, 1981, to any community mental health center which received a grant under this subchapter in a fiscal year beginning before July 29, 1975.

(3) Not more than 1 per centum of the total amount appropriated under section 2689b, 2689c, and 2689d of this title for any fiscal year shall be used by the Secretary to enter into contracts with State mental health authorities under which the authorities (A) would monitor activities of community mental health centers (other than centers operated by such authorities) receiving grants under this subchapter to determine if the requirements of this subchapter applicable to the receipt of such grants are being met, and (B) would be provided funds to meet the expenses of conducting such monitoring. The authority of the Secretary to enter into contracts under this paragraph shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance in appropriation Acts.

[See main edition for text of (f)]

(As amended Pub. L. 95-83, title III, § 308(i), Aug. 1, 1977, 91 Stat. 396; Pub. L. 95-622, title I, §§ 104(c)(2), 105, 106, Nov. 9, 1978, 92 Stat. 3416; Pub. L. 96-32, § 8(b), July 10, 1979, 93 Stat. 85; Pub. L. 96-398, title VII, § 701(e), Oct. 7, 1980, 94 Stat. 1605.)

AMENDMENTS

1980—Subsec. (e)(2)(B). Pub. L. 96-398 added provisions for the fiscal year ending Sept. 30, 1981.

1979—Subsec. (c)(2)(B)(iii). Pub. L. 96-32 added "and" following "application for such grant;"

1978—Subsec. (c)(2). Pub. L. 95-622, § 106, in provisions preceding subpar. (A) struck out "the application is recommended for approval by the National Advisory Mental Health Council," following "only if", in subpars. (A) and (B) inserted "the Secretary" preceding "determines", and added subpars. (C) and (D).

Subsec. (e). Pub. L. 95-622, §§ 104(c)(2), 105, designated existing provisions as par. (1) and added pars. (2) and (3).

1977—Subsec. (d). Pub. L. 95-83 extended time limitation for the end date to be a date ending on the one hundred and twentieth day following date of submission of application for the prior date ending on the ninetieth day following such submission.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-622 applicable with respect to grants made under this subchapter from appropriations for fiscal years ending after Sept. 30, 1978, see section 111 of Pub. L. 95-622, set out as an Effective Date of 1978 Amendment note under section 2689 of this title.

PART B—FINANCIAL DISTRESS GRANTS

§ 2689f. Grants for operation of centers; eligible centers

The Secretary may make grants for the operation of any community mental health center which—

(1)(A) received a grant under section 2688 of this title (as in effect before July 29, 1975) for compensation of personnel for its initial operation and, because of limitations in such section 2688 of this title respecting the period for which the center may receive grants under such section 2688 of this title, is not eligible for further grants under that section for such compensation of personnel for a fiscal year beginning after June 30, 1975; or

[See main edition for text of (B), (2)]

(As amended Pub. L. 95-622, title I, § 110(a), Nov. 9, 1978, 92 Stat. 3420.)

AMENDMENTS

1978—Par. (1)(A). Pub. L. 95-622 inserted "for compensation of personnel for its initial operation" following "July 29, 1975)" and "for such compensation of personnel" following "under that section".

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-622 applicable with respect to grants made under this subchapter from appropriations for fiscal years ending after Sept. 30, 1978, see section 111 of Pub. L. 95-622, set out as an Effective Date of 1978 Amendment note under section 2689 of this title.

§ 2689g. General requirements for grants

[See main edition for text of (a) and (b)]

(c) Duration and number of grants

Each grant under this section to a grantee shall be made for the projected costs of operation (except the costs of providing the consultation and education services described in section 2689(b)(1)(D) of this title) of such grantee for the one-year period beginning on the first day of the first month in which such grant is made. No community mental health center may receive more than six grants under section 2689f of this title.

[See main edition for text of (d)]

(As amended Pub. L. 95-622, title I, § 102(e), Nov. 9, 1978, 92 Stat. 3412; Pub. L. 96-398, title VII, § 701(d)(2), Oct. 7, 1980, 94 Stat. 1605.)

AMENDMENTS

1980—Subsec. (c). Pub. L. 96-398 substituted "six" for "five".

1978—Subsec. (c). Pub. L. 95-622 substituted "five grants" for "three grants".

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-622 applicable with respect to grants made under this subchapter from appropriations for fiscal years ending after Sept. 30, 1978, see section 111 of Pub. L. 95-622, set out as an Effective Date of 1978 Amendment note under section 2689 of this title.

§ 2689h. Authorization of appropriations

There are authorized to be appropriated \$15,000,000 for fiscal year 1976, \$15,000,000 for the fiscal year ending September 30, 1977, \$13,500,000 for the fiscal year ending September 30, 1978, \$25,000,000 for the fiscal year ending September 30, 1979, and \$20,000,000 for the fiscal year ending September 30, 1981, for payments under grants under section 2689f of this title.

(As amended Pub. L. 95-83, title III, § 308(e), Aug. 1, 1977, 91 Stat. 396; Pub. L. 95-622, title I, § 102(f), Nov. 9, 1978, 92 Stat. 3412; Pub. L. 96-398, title VII, § 701(d)(1), Oct. 7, 1980, 94 Stat. 1603.)

AMENDMENTS

1980—Pub. L. 96-398 added provisions authorizing appropriations for the fiscal year ending Sept. 30, 1981.

1978—Pub. L. 95-622 added provisions authorizing appropriations of \$25,000,000 for the fiscal year ending Sept. 30, 1979.

1977—Pub. L. 95-83 substituted provision for an appropriation authorization for fiscal year ending Sept. 30, 1977, for prior such authorization for fiscal year 1977, and authorized appropriation of \$13,500,000 for fiscal year ending Sept. 30, 1978.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-622 applicable with respect to grants made under this subchapter from appropriations for fiscal years ending after Sept. 30, 1978, see section 111 of Pub. L. 95-622, set out as an Effective Date of 1978 Amendment note under section 2689 of this title.

PART C—FACILITIES ASSISTANCE

§ 2689m. Recovery of payments by United States; prerequisites; amount of recovery; procedure; nature of right

If any facility of a community mental health center acquired, remodeled, constructed, or expanded with funds provided under this subchapter is, at any time within twenty years after the completion of such remodeling, construction, or expansion or after the date of its acquisition with such funds—

[See main edition for text of (1) and (2)]

the United States shall be entitled to recover from either the transferor or the transferee in the case of a sale or transfer or from the owner

in the case of termination of use an amount bearing the same ratio to the then value (as determined by the agreement of the parties or by action brought in the United States district court for the district in which the center is situated) of so much of such facility or center as constituted an approved project or projects, as the amount of the Federal participation bore to the acquisition, remodeling, construction, or expansion cost of such project or projects. Such right of recovery shall not constitute a lien upon such facility or center prior to judgment. (As amended Pub. L. 95-622, title I, § 110(c), Nov. 9, 1978, 92 Stat. 3420.)

AMENDMENTS

1978—Pub. L. 95-622 substituted "this subchapter" for "this part".

EFFECTIVE DATE OF 1978 AMENDMENT

Section 110(c) of Pub. L. 95-622 provided in part that the amendment by Pub. L. 95-622 is effective July 29, 1975.

§ 2689p. Authorization of appropriations

There are authorized to be appropriated \$5,000,000 for fiscal year 1976, \$5,000,000 for fiscal year 1977, and \$2,500,000 for the fiscal year ending September 30, 1978, for allotments under section 2689o of this title.

(As amended Pub. L. 95-83, title III, § 308(f), Aug. 1, 1977, 91 Stat. 396.)

AMENDMENTS

1977—Pub. L. 95-83 authorized appropriation of \$2,500,000 for fiscal year ending Sept. 30, 1978.

PART D—RAPE PREVENTION AND CONTROL

§ 2689q. Repealed. Pub. L. 96-398, title VI, § 601(f), Oct. 7, 1980, 91 Stat. 1603

Section, Pub. L. 88-164, title II, § 231, as added Pub. L. 94-63, title III, § 303, July 29, 1975, 89 Stat. 328, and amended Pub. L. 95-83, title III, § 308(g), Aug. 1, 1977, 91 Stat. 396; Pub. L. 95-622, title I, § 102(g), 108, Nov. 9, 1978, 92 Stat. 3412, 3417, set forth establishment, functions, etc., of the National Center for the Prevention and Control of Rape. See section 9511 et seq. of this title.

PART E—GENERAL PROVISIONS

§ 2689r. Definitions

For purposes of this subchapter—

[See main edition for text of (1) and (2)]

(3) The term "Secretary" means the Secretary of Health and Human Services.

[See main edition for text of (4)]

(As amended Pub. L. 96-88, title V, § 509(b), Oct. 17, 1979, 93 Stat. 695.)

CHANGE OF NAME

"Secretary of Health and Human Services" was substituted for "Secretary of Health, Education, and Welfare" in par. (3), pursuant to section 509(b) of Pub. L. 96-88, which is classified to section 3508(b) of Title 20, Education.

§ 2689t. State plans

(a) Required administrative, and services and facilities provisions

A State plan for the provision of comprehensive mental health services within a State shall be consistent with the State health plan in effect for such State under section 300m-3(c) of this title and shall be comprised of the following two parts:

[See main edition for text of (1) and (2); (b) to (d)]

(As amended Pub. L. 96-79, title I, § 115(k)(1), Oct. 4, 1979, 93 Stat. 610.)

AMENDMENTS

1979—Subsec. (a). Pub. L. 96-79 inserted in provision preceding par. (1), "shall be consistent with the State health plan in effect for such State under section 300m-3(c) of this title and" following "within a State".

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-79 effective Oct. 4, 1980, see section 129(a) of Pub. L. 96-79, set out as an Effective Date of 1979 Amendment note under section 300l of this title.

TRANSFER OF FUNCTIONS

All functions vested by statute in the United States Civil Service Commission were transferred to the Director of the Office of Personnel Management (except as otherwise specified) by Reorg. Plan No. 2 of 1978, § 102, 43 F.R. 36037, 92 Stat. 3783, set out under section 1101 of Title 5, Government Organization and Employees, effective Jan. 1, 1979, as provided by section 1-102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 246, 2689e, 2689g, 2689j, 2689k, 2689l, 2689o, 2689s of this title.

§ 2689u. Catchment areas of centers; periodic review by designated State health planning and development agency and State mental health authority; purposes of review

Each State health planning and development agency designated for a State under section 300m of this title shall, in consultation with that State's mental health authority, periodically review the catchment areas of the community mental health centers located in that State to (1) insure that the sizes of such areas are such that the services to be provided through the centers (including their satellites) serving the areas are available and accessible to the residents of the areas promptly, as appropriate, (2) insure that the boundaries of such areas conform, to the extent practicable, with relevant boundaries of political subdivisions, health service areas, school districts, and Federal and State health and social service programs, and (3) insure that the boundaries of such areas eliminate, to the extent possible, barriers to access to the services of the centers serving the areas, including barriers resulting from an area's physical characteristics, its residential patterns, its economic and social groupings, and available transportation.

(As amended Pub. L. 95-622, title I, § 107, Nov. 9, 1978, 92 Stat. 3417.)

AMENDMENTS

1978—Pub. L. 95-622 in cl. (2) inserted "health service areas," following "political subdivisions,".

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-622 applicable with respect to grants made under this subchapter from appropriations for fiscal years ending after Sept. 30, 1978, see section 111 of Pub. L. 95-622, set out as an Effective Date of 1978 Amendment note under section 2689 of this title.

CHAPTER 34—ECONOMIC OPPORTUNITY PROGRAM

SUBCHAPTER I—RESEARCH AND DEMONSTRATIONS

PART A—RESEARCH, DEMONSTRATION, AND PILOT PROJECTS

Sec.

2716. Authorization of appropriations [New].

PART C—WORK-STUDY PROGRAMS

2753. Grants for work-study programs [New].
 (a) Authority to enter into agreements.
 (b) Agreements with institutions of higher education.
- 2756b. Work study for community service-learning [New].
 (a) Congressional declaration of purpose.
 (b) Definitions.
 (c) Program.

SUBCHAPTER II—URBAN AND RURAL COMMUNITY ACTION PROGRAMS

PART C—SUPPLEMENTAL PROGRAMS AND ACTIVITIES

2829. Repealed.

PART D—GENERAL AND TECHNICAL PROVISIONS

2832. Repealed.

SUBCHAPTER III—SPECIAL PROGRAMS TO COMBAT POVERTY IN RURAL AREAS

2856. Authorization of appropriations [New].
 2861. Repealed.
 2862. Repealed.
 2863. Repealed.
 2864. Repealed.
 2865. Repealed.
 2871. Repealed.

SUBCHAPTER IV—ASSISTANCE FOR MIGRANT AND OTHER SEASONALLY EMPLOYED FARMWORKERS AND THEIR FAMILIES

2901. Statement of purpose.
 2902. Financial assistance.
 2903. Limitations on assistance.
 2904. Technical assistance, training and evaluation.
 2905. Special responsibilities.
 2906. Authorization of appropriations.

SUBCHAPTER V—HEADSTART AND FOLLOW THROUGH

PART A—HEADSTART PROGRAMS

- 2928b. Distribution of funds.
 (a) Allotments and reservations.
 (b) Reservation priorities.
 (c) Limitations on assistance.
 (d) Comparable service previously provided without Federal assistance.
 (e) Handicapped children.

Sec.

(f) Equitable distribution of benefits between rural and urban areas.

PART B—FOLLOW THROUGH PROGRAMS

- 2929b. Research, demonstration, and pilot projects.
 2929b-1. Announcement of research, demonstration, and pilot project contracts [New].
 2929b-2. Evaluation [New].
 2929b-3. Technical assistance and training [New].

SUBCHAPTER VI—ADMINISTRATION AND COORDINATION

PART A—ADMINISTRATION

2971. Repealed.

PART B—COORDINATION

2979a. Regional offices [New].

SUBCHAPTER VII—COMMUNITY ECONOMIC DEVELOPMENT

- 2981c. Advisory community investment boards [New].
 (a) Establishment, etc., of National Advisory Community Investment Board.
 (b) Functions of National Advisory Community Investment Board.
 (c) Functions of Community Development Corporation with respect to advisory community investment boards.

PART D—SUPPORTIVE PROGRAMS AND ACTIVITIES

- 2985c-1. Repealed.
 2985e. Evaluation, research, and demonstration.

SUBCHAPTER IX—EVALUATION

2995c. Authorization of appropriations [New].

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter referred to in sections 3020d, 3056a, 3062, 3131, 3141, 4201, 4953, 6861, 8612 of this title; title 2 section 452; title 12 section 1766; title 38 section 2013.

§ 2701. Congressional findings and declaration of purpose

Although the economic well-being and prosperity, of the United States have progressed to a level surpassing any achieved in world history, and although these benefits are widely shared throughout the Nation, poverty continues to be the lot of a substantial number of our people. The United States can achieve its full economic and social potential as a nation only if every individual has the opportunity to contribute to the full extent of the capabilities of such individual and to participate in the workings of our society. It is, therefore, the policy of the United States to eliminate the paradox of poverty in the midst of plenty in this Nation by opening to everyone the opportunity for education and training, the opportunity to work, and the opportunity to live in decency and dignity. It is the purpose of this chapter to strengthen, supplement, and coordinate efforts in furtherance of that policy.

It is the sense of the Congress that it is highly desirable to employ the resources of the private sector of the economy of the United States in all such efforts to further the policy of this chapter.